

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

Travelers Casualty and Surety Company of
America,

Plaintiff,

v.

Young Construction & Paving, LLC; Karen B.
Young; Gordon T. Young; Jeffrey D. Young;
Monica L. Young; Joseph Wells; Terri Wells;
Luke D. Vander Bleek; and Joan L. Vander
Bleek,

Defendants.

Joseph Wells; Terri Wells; Luke D. Vander
Bleek; and Joan L. Vander Bleek,

Counter-Plaintiffs / Third-Party
Plaintiffs,

v.

Travelers Casualty and Surety Company of
America,

Counter-Defendants,

and

Trissel, Graham and Toole, Inc.; Daniel Curran;
and Roger A. Colmark,

Third-Party Defendants.

Case No.: 8-CV-50008

**TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA'S RULE 12(B)(6)
MOTION TO DISMISS THE COUNTER-CLAIM OF JOSEPH WELLS, TERRI
WELLS, LUKE D. VANDER BLEEK, AND JOAN L. VANDER BLEEK**

COMES NOW, Travelers Casualty and Surety Company of America ("Travelers"), by
and through its undersigned counsel of the law firm Hinshaw & Culbertson LLP, pursuant to
Rule 12(b)(6) of the Federal Rules of Civil Procedure and sets forth the following Motion to
Dismiss the Counter-Claim of Defendants/Counter-Claimants Joseph Wells, Terri Wells, Luke

D. Vander Bleek, and Joan L. Vander Bleek (collectively, "Counter-Claimants") for failure to state a claim upon which relief can be granted. In support thereof, Travelers relies on its Memorandum in Support which is filed contemporaneously herewith.

Based upon the foregoing, Travelers respectfully requests this Court to enter an Order dismissing the Defendants/Counter-Claimants' Counter-Claim for failure to state a claim upon which relief can be granted.

Respectfully submitted,

**TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA**

By: s/ James M. Allen

One of its Attorneys

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